

105TH CONGRESS
2D SESSION

S. 1900

AMENDMENT

In the House of Representatives, U. S.,

June 9, 1998.

Resolved, That the bill from the Senate (S. 1900) entitled “An Act to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “U.S. Holocaust Assets*
3 *Commission Act of 1998”.*

4 ***SEC. 2. ESTABLISHMENT OF COMMISSION.***

5 *(a) ESTABLISHMENT.—There is established a Presi-*
6 *dential Commission, to be known as the “Presidential Advi-*
7 *sory Commission on Holocaust Assets in the United States”*
8 *(hereafter in this Act referred to as the “Commission”).*

9 *(b) MEMBERSHIP.—*

10 *(1) NUMBER.—The Commission shall be com-*
11 *posed of 21 members, appointed in accordance with*
12 *paragraph (2).*

1 (2) *APPOINTMENTS.*—Of the 21 members of the
2 *Commission—*

3 (A) *eight shall be private citizens, ap-*
4 *pointed by the President;*

5 (B) *four shall be representatives of the De-*
6 *partment of State, the Department of Justice, the*
7 *Department of the Army, and the Department of*
8 *the Treasury (one representative of each such De-*
9 *partment), appointed by the President;*

10 (C) *two shall be Members of the House of*
11 *Representatives, appointed by the Speaker of the*
12 *House of Representatives;*

13 (D) *two shall be Members of the House of*
14 *Representatives, appointed by the minority lead-*
15 *er of the House of Representatives;*

16 (E) *two shall be Members of the Senate, ap-*
17 *pointed by the majority leader of the Senate;*

18 (F) *two shall be Members of the Senate, ap-*
19 *pointed by the minority leader of the Senate;*
20 *and*

21 (G) *one shall be the Chairperson of the*
22 *United States Holocaust Memorial Council.*

23 (3) *CRITERIA FOR MEMBERSHIP.*—*Each private*
24 *citizen appointed to the Commission shall be an indi-*
25 *vidual who has a record of demonstrated leadership*

1 *on issues relating to the Holocaust or in the fields of*
 2 *commerce, culture, or education that would assist the*
 3 *Commission in analyzing the disposition of the assets*
 4 *of Holocaust victims.*

5 (4) *ADVISORY PANELS.—The Chairperson of the*
 6 *Commission may, in the discretion of the Chair-*
 7 *person, establish advisory panels to the Commission,*
 8 *including State or local officials, representatives of*
 9 *organizations having an interest in the work of the*
 10 *Commission, or others having expertise that is rel-*
 11 *evant to the purposes of the Commission.*

12 (5) *DATE.—The appointments of the members of*
 13 *the Commission shall be made not later than 90 days*
 14 *after the date of enactment of this Act.*

15 (c) *CHAIRPERSON.—The Chairperson of the Commis-*
 16 *sion shall be selected by the President from among the mem-*
 17 *bers of the Commission appointed under subparagraph (A)*
 18 *or (B) of subsection (b)(2).*

19 (d) *PERIOD OF APPOINTMENT.—Members of the Com-*
 20 *mission shall be appointed for the life of the Commission.*

21 (e) *VACANCIES.—Any vacancy in the membership of*
 22 *the Commission shall not affect its powers, but shall be filled*
 23 *in the same manner as the original appointment.*

1 (f) *MEETINGS.*—*The Commission shall meet at the call*
 2 *of the Chairperson at any time after the date of appoint-*
 3 *ment of the Chairperson.*

4 (g) *QUORUM.*—*11 members of the Commission shall*
 5 *constitute a quorum, but a lesser number of members may*
 6 *hold meetings.*

7 **SEC. 3. DUTIES OF THE COMMISSION.**

8 (a) *ORIGINAL RESEARCH.*—

9 (1) *IN GENERAL.*—*Except as otherwise provided*
 10 *in paragraph (3), the Commission shall conduct a*
 11 *thorough study and develop a historical record of the*
 12 *collection and disposition of the assets described in*
 13 *paragraph (2), if such assets came into the possession*
 14 *or control of the Federal Government, including the*
 15 *Board of Governors of the Federal Reserve System*
 16 *and any Federal reserve bank, at any time after Jan-*
 17 *uary 30, 1933—*

18 (A) *after having been obtained from victims*
 19 *of the Holocaust by, on behalf of, or under au-*
 20 *thority of a government referred to in subsection*
 21 *(c);*

22 (B) *because such assets were left unclaimed*
 23 *as the result of actions taken by, on behalf of, or*
 24 *under authority of a government referred to in*
 25 *subsection (c); or*

1 (C) *in the case of assets consisting of gold*
2 *bullion, monetary gold, or similar assets, after*
3 *such assets had been obtained by the Nazi gov-*
4 *ernment of Germany from governmental institu-*
5 *tions in any area occupied by the military forces*
6 *of the Nazi government of Germany.*

7 (2) *TYPES OF ASSETS.—Assets described in this*
8 *paragraph include—*

9 (A) *gold, including gold bullion, monetary*
10 *gold, or similar assets in the possession of or*
11 *under the control of the Board of Governors of*
12 *the Federal Reserve System or any Federal re-*
13 *serve bank;*

14 (B) *gems, jewelry, and nongold precious*
15 *metals;*

16 (C) *accounts in banks in the United States;*

17 (D) *domestic financial instruments pur-*
18 *chased before May 8, 1945, by individual victims*
19 *of the Holocaust, whether recorded in the name*
20 *of the victim or in the name of a nominee;*

21 (E) *insurance policies and proceeds thereof;*

22 (F) *real estate situated in the United*
23 *States;*

24 (G) *works of art; and*

1 (H) books, manuscripts, and religious ob-
2 jects.

3 (3) COORDINATION OF ACTIVITIES.—In carrying
4 out its duties under paragraph (1), the Commission
5 shall, to the maximum extent practicable, coordinate
6 its activities with, and not duplicate similar activi-
7 ties already being undertaken by, private individuals,
8 private entities, or government entities, whether do-
9 mestic or foreign.

10 (4) INSURANCE POLICIES.—

11 (A) IN GENERAL.—In carrying out its du-
12 ties under this Act, the Commission shall take
13 note of the work of the National Association of
14 Insurance Commissioners with regard to Holo-
15 caust-era insurance issues and shall encourage
16 the National Association of Insurance Commis-
17 sioners to prepare a report on the Holocaust-re-
18 lated claims practices of all insurance compa-
19 nies, both domestic and foreign, doing business
20 in the United States at any time after January
21 30, 1933, that issued any individual life, health,
22 or property-casualty insurance policy to any in-
23 dividual on any list of Holocaust victims, in-
24 cluding the following lists:

1 (i) *The list maintained by the United*
 2 *States Holocaust Memorial Museum in*
 3 *Washington, D.C., of Jewish Holocaust sur-*
 4 *vivors.*

5 (ii) *The list maintained by the Yad*
 6 *Vashem Holocaust Memorial Authority in*
 7 *its Hall of Names of individuals who died*
 8 *in the Holocaust.*

9 (B) *INFORMATION TO BE INCLUDED.—The*
 10 *report on insurance companies prepared pursu-*
 11 *ant to subparagraph (A) should include the fol-*
 12 *lowing, to the degree the information is avail-*
 13 *able:*

14 (i) *The number of policies issued by*
 15 *each company to individuals described in*
 16 *such subparagraph.*

17 (ii) *The value of each policy at the*
 18 *time of issue.*

19 (iii) *The total number of policies, and*
 20 *the dollar amount, that have been paid out.*

21 (iv) *The total present-day value of as-*
 22 *sets in the United States of each company.*

23 (C) *COORDINATION.—The Commission shall*
 24 *coordinate its work on insurance issues with that*
 25 *of the international Washington Conference on*

1 *Holocaust-Era Assets, to be convened by the De-*
 2 *partment of State and the United States Holo-*
 3 *caust Memorial Council.*

4 **(b) COMPREHENSIVE REVIEW OF OTHER RE-**
 5 **SEARCH.**—*Upon receiving permission from any relevant in-*
 6 *dividuals or entities, the Commission shall review com-*
 7 *prehensively any research by private individuals, private*
 8 *entities, and non-Federal government entities, whether do-*
 9 *mestic or foreign, into the collection and disposition of the*
 10 *assets described in subsection (a)(2), to the extent that such*
 11 *research focuses on assets that came into the possession or*
 12 *control of private individuals, private entities, or non-Fed-*
 13 *eral government entities within the United States at any*
 14 *time after January 30, 1933, either—*

15 *(1) after having been obtained from victims of*
 16 *the Holocaust by, on behalf of, or under authority of*
 17 *a government referred to in subsection (c); or*

18 *(2) because such assets were left unclaimed as the*
 19 *result of actions taken by, on behalf of, or under au-*
 20 *thority of a government referred to in subsection (c).*

21 **(c) GOVERNMENTS INCLUDED.**—*A government referred*
 22 *to in this subsection includes, as in existence during the*
 23 *period beginning on March 23, 1933, and ending on May*
 24 *8, 1945—*

25 *(1) the Nazi government of Germany;*

1 (2) *any government in any area occupied by the*
 2 *military forces of the Nazi government of Germany;*

3 (3) *any government established with the assist-*
 4 *ance or cooperation of the Nazi government of Ger-*
 5 *many; and*

6 (4) *any government which was an ally of the*
 7 *Nazi government of Germany.*

8 (d) *REPORTS.—*

9 (1) *SUBMISSION TO THE PRESIDENT.—Not later*
 10 *than December 31, 1999, the Commission shall submit*
 11 *a final report to the President that shall contain any*
 12 *recommendations for such legislative, administrative,*
 13 *or other action as it deems necessary or appropriate.*
 14 *The Commission may submit interim reports to the*
 15 *President as it deems appropriate.*

16 (2) *SUBMISSION TO THE CONGRESS.—After re-*
 17 *ceipt of the final report under paragraph (1), the*
 18 *President shall submit to the Congress any rec-*
 19 *ommendations for legislative, administrative, or other*
 20 *action that the President considers necessary or ap-*
 21 *propriate.*

22 **SEC. 4. POWERS OF THE COMMISSION.**

23 (a) *HEARINGS.—The Commission may hold such hear-*
 24 *ings, sit and act at such times and places, take such testi-*

1 *mony, and receive such evidence as the Commission consid-*
2 *ers advisable to carry out this Act.*

3 **(b) INFORMATION FROM FEDERAL AGENCIES.**—*The*
4 *Commission may secure directly from any Federal depart-*
5 *ment or agency such information as the Commission con-*
6 *siders necessary to carry out this Act. Upon request of the*
7 *Chairperson of the Commission, the head of any such de-*
8 *partment or agency shall furnish such information to the*
9 *Commission as expeditiously as possible.*

10 **(c) POSTAL SERVICES.**—*The Commission may use the*
11 *United States mails in the same manner and under the*
12 *same conditions as other departments and agencies of the*
13 *Federal Government.*

14 **(d) GIFTS.**—*The Commission may accept, use, and*
15 *dispose of gifts or donations of services or property.*

16 **(e) ADMINISTRATIVE SERVICES.**—*For the purposes of*
17 *obtaining administrative services necessary to carry out the*
18 *purposes of this Act, including the leasing of real property*
19 *for use by the Commission as an office, the Commission*
20 *shall have the power to—*

21 **(1)** *enter into contracts and modify, or consent*
22 *to the modification of, any contract or agreement to*
23 *which the Commission is a party; and*

24 **(2)** *acquire, hold, lease, maintain, or dispose of*
25 *real and personal property.*

1 **SEC. 5. COMMISSION PERSONNEL MATTERS.**

2 (a) *COMPENSATION.*—No member of the Commission
3 who is a private citizen shall be compensated for service
4 on the Commission. All members of the Commission who
5 are officers or employees of the United States shall serve
6 without compensation in addition to that received for their
7 services as officers or employees of the United States.

8 (b) *TRAVEL EXPENSES.*—The members of the Commis-
9 sion shall be allowed travel expenses, including per diem
10 in lieu of subsistence, at rates authorized for employees of
11 agencies under subchapter I of chapter 57 of title 5, United
12 States Code, while away from their homes or regular places
13 of business in the performance of services for the Commis-
14 sion.

15 (c) *EXECUTIVE DIRECTOR, DEPUTY EXECUTIVE DI-*
16 *RECTOR, GENERAL COUNSEL, AND OTHER STAFF.*—

17 (1) *IN GENERAL.*—Not later than 90 days after
18 the selection of the Chairperson of the Commission
19 under section 2, the Chairperson shall, without regard
20 to the civil service laws and regulations, appoint an
21 executive director, a deputy executive director, and a
22 general counsel of the Commission, and such other ad-
23 ditional personnel as may be necessary to enable the
24 Commission to perform its duties under this Act.

25 (2) *QUALIFICATIONS.*—The executive director,
26 deputy executive director, and general counsel of the

1 *Commission shall be appointed without regard to po-*
 2 *litical affiliation, and shall possess all necessary secu-*
 3 *rity clearances for such positions.*

4 (3) *DUTIES OF EXECUTIVE DIRECTOR.*—*The ex-*
 5 *ecutive director of the Commission shall—*

6 (A) *serve as principal liaison between the*
 7 *Commission and other Government entities;*

8 (B) *be responsible for the administration*
 9 *and coordination of the review of records by the*
 10 *Commission; and*

11 (C) *be responsible for coordinating all offi-*
 12 *cial activities of the Commission.*

13 (4) *COMPENSATION.*—*The Chairperson of the*
 14 *Commission may fix the compensation of the execu-*
 15 *tive director, deputy executive director, general coun-*
 16 *sel, and other personnel employed by the Commission,*
 17 *without regard to the provisions of chapter 51 and*
 18 *subchapter III of chapter 53 of title 5, United States*
 19 *Code, relating to classification of positions and Gen-*
 20 *eral Schedule pay rates, except that—*

21 (A) *the rate of pay for the executive director*
 22 *of the Commission may not exceed the rate pay-*
 23 *able for level III of the Executive Schedule under*
 24 *section 5314 of title 5, United States Code; and*

1 (B) *the rate of pay for the deputy executive*
 2 *director, the general counsel of the Commission,*
 3 *and other Commission personnel may not exceed*
 4 *the rate payable for level IV of the Executive*
 5 *Schedule under section 5315 of title 5, United*
 6 *States Code.*

7 (5) *EMPLOYEE BENEFITS.—*

8 (A) *IN GENERAL.—An employee of the Com-*
 9 *mission shall be an employee for purposes of*
 10 *chapters 83, 84, 85, 87, and 89 of title 5, United*
 11 *States Code, and service as an employee of the*
 12 *Commission shall be service for purposes of such*
 13 *chapters.*

14 (B) *NONAPPLICATION TO MEMBERS.—This*
 15 *paragraph shall not apply to a member of the*
 16 *Commission.*

17 (6) *OFFICE OF PERSONNEL MANAGEMENT.—The*
 18 *Office of Personnel Management—*

19 (A) *may promulgate regulations to apply*
 20 *the provisions referred to under subsection (a) to*
 21 *employees of the Commission; and*

22 (B) *shall provide support services, on a re-*
 23 *imbursable basis, relating to—*

24 (i) *the initial employment of employees*
 25 *of the Commission; and*

1 (ii) *other personnel needs of the Com-*
2 *mission.*

3 (d) *DETAIL OF GOVERNMENT EMPLOYEES.—Any Fed-*
4 *eral Government employee may be detailed to the Commis-*
5 *sion without reimbursement to the agency of that employee,*
6 *and such detail shall be without interruption or loss of civil*
7 *service status or privilege.*

8 (e) *PROCUREMENT OF TEMPORARY AND INTERMIT-*
9 *TENT SERVICES.—The Chairperson of the Commission may*
10 *procure temporary and intermittent services under section*
11 *3109(b) of title 5, United States Code, at rates for individ-*
12 *uals which do not exceed the daily equivalent of the annual*
13 *rate of basic pay prescribed for level V of the Executive*
14 *Schedule under section 5316 of such title.*

15 (f) *STAFF QUALIFICATIONS.—Any person appointed to*
16 *the staff of or employed by the Commission shall be an indi-*
17 *vidual of integrity and impartiality.*

18 (g) *CONDITIONAL EMPLOYMENT.—*

19 (1) *IN GENERAL.—The Commission may offer*
20 *employment on a conditional basis to a prospective*
21 *employee pending the completion of any necessary se-*
22 *curity clearance background investigation. During the*
23 *pendency of any such investigation, the Commission*
24 *shall ensure that such conditional employee is not*

1 *given and does not have access to or responsibility in-*
2 *volving classified or otherwise restricted material.*

3 (2) *TERMINATION.*—*If a person hired on a con-*
4 *ditional basis as described in paragraph (1) is denied*
5 *or otherwise does not qualify for all security clear-*
6 *ances necessary for the fulfillment of the responsibil-*
7 *ities of that person as an employee of the Commis-*
8 *sion, the Commission shall immediately terminate the*
9 *employment of that person with the Commission.*

10 (h) *EXPEDITED SECURITY CLEARANCE PROCE-*
11 *DURES.*—*A candidate for executive director or deputy exec-*
12 *utive director of the Commission and any potential em-*
13 *ployee of the Commission shall, to the maximum extent pos-*
14 *sible, be investigated or otherwise evaluated for and granted,*
15 *if applicable, any necessary security clearances on an expe-*
16 *dited basis.*

17 **SEC. 6. ADMINISTRATIVE SUPPORT SERVICES.**

18 *Upon the request of the Commission, the Adminis-*
19 *trator of General Services shall provide to the Commission,*
20 *on a reimbursable basis, the administrative support services*
21 *necessary for the Commission to carry out its responsibil-*
22 *ities under this Act.*

1 **SEC. 7. TERMINATION OF THE COMMISSION.**

2 *The Commission shall terminate 90 days after the date*
 3 *on which the Commission submits its final report under*
 4 *section 3.*

5 **SEC. 8. MISCELLANEOUS PROVISIONS.**

6 (a) *INAPPLICABILITY OF FACA.*—*The Federal Advi-*
 7 *sory Committee Act (5 U.S.C. App.) does not apply to the*
 8 *Commission.*

9 (b) *PUBLIC ATTENDANCE.*—*To the maximum extent*
 10 *practicable, each meeting of the Commission shall be open*
 11 *to members of the public.*

12 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

13 *There are authorized to be appropriated not more than*
 14 *\$3,500,000, in total, for the interagency funding of activi-*
 15 *ties of the Commission under this Act for fiscal years 1998,*
 16 *1999, and 2000, of which, notwithstanding section 1346 of*
 17 *title 31, United States Code, and section 611 of the Treas-*
 18 *ury and General Government Appropriations Act, 1998,*
 19 *\$537,000 shall be made available in equal amounts from*
 20 *funds made available for fiscal year 1998 to the Depart-*
 21 *ments of Justice, State, and the Army that are otherwise*
 22 *unobligated. Funds made available to the Commission pur-*

- 1 *suant to this section shall remain available for obligation*
- 2 *until December 31, 1999.*

Attest:

Clerk.